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| 09/406,435      | 09/27/1999  | VIKTORS BERTIS       | AT9-99-367          | 1602             |

7590

10/04/2003

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| EXAMINER |
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SINGH, RACHNA

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| ART UNIT | PAPER NUMBER |
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2176

DATE MAILED: 10/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/406,435

Applicant(s)

BERSTIS, VIKTORS

Examiner

Rachna Singh

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to communications: application, filed 09/27/99; amendment filed 7/24/03.
2. Claims 1-33 are pending in the case. Claims 1, 12, and 23 are independent claims.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9, 11-18, 20, 22-29, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al., US Patent 6,006,206, 12/21/99 (filed 9/8/97).

In reference to claim 1, Smith teaches for monitoring financial information in a communications network comprising the following steps:

- Receiving a financial document from a data source and formatting a financial document to include a data source identifier. Compare to ***“evaluating a downloaded file from a source within said network to determine if a source identifier is present in said downloaded file”***. See column 3, lines 17-20.
- A status code generator for generating and transmitting a data source status code based upon the operating status of the data source wherein the data source status code includes the data source identifier. The status code generator automatically updates the data source status code in response to changes in the

operating status of the data source and automatically transmits the updated data source status code. Compare to ***“checking said source periodically utilizing said source identifier to determine if a newer version of said downloaded file exists”***. See column 3, lines 20-34.

- Receiving and processing the formatted financial document and displaying at a client terminal. Compare to ***“replacing, in response to the presence of said newer version of said downloaded file, said downloaded file with said newer version”***. See column 3, lines 34-44.

Smith does not explicitly state the step to “determine if a source identifier is present in said downloaded file”; however, since Smith’s system formats the document to include a source identifier, he is essentially taking into account the absence of an identifier. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Smith’s formatting of the document by adding an identifier as a means of determining if an identifier is present since his system recognizes the absence of a source identifier in the financial document.

In reference to claim 2, Smith teaches receiving a financial document from a data source and formatting a financial document to include a data source identifier. See column 3, lines 17-20.

In reference to claim 3, Smith teaches transmitting the formatted real-time financial data and the data source status signals to one or more client sites. The client terminal receives the requested financial data. The data source identifier is extracted from the financial document. If the user transmits a request to obtain the

current status data to the data source, the new financial data is presented. Compare to ***“providing an indication to a user that said newer version of said file exists; prompting said user to replace said downloaded file with said newer version; and replacing . . . said downloaded file with said newer version”***. See figure 5.

In reference to claim 4, Smith teaches a system in which a source identifier is included in a data source status code which is stored outside the financial document. See column 13.

In reference to amended claim 5, Smith teaches that a DSO\_ID field stores the data source identifier used to specify the data source. See column 10, lines 39-67. Moreover, Kullick teaches associating

In reference to claim 6, Smith teaches a system of identifying the source of a document via a source identifier. Smith's invention would not be limited to a particular type of identifier. Thus it would have been obvious to one of ordinary skill in the art to have the source identifier be a URL. See abstract.

In reference to claim 7, Smith teaches checking the source in real time. See abstract and general disclosure. Smith teaches checking the sources upon requesting real-time financial data by the user. Thus Smith in essence is allowing the time interval to be “user defined”. See figures 5 and 6.

In reference to claim 9, Smith teaches the system of checking the source for an open financial document. See abstract, figure 5, and column 12, lines 33-67. The financial data is checked in real-time while a document is open. Thus opening a document checks the downloaded file. See also figure 6.

In reference to claim 11, Smith's system is implemented over a communications network which could be a packet network. See abstract.

Claims 12-18, 20, and 22 are rejected under the same rationale used in claims 1-7, 9, and 11 respectively above.

Claims 23-29, 31, and 33 are rejected under the same rationale used in claims 1-7, 9, and 11 respectively above.

5. Claims 8, 10, 19, 21, 30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al., US Patent 6,006,206, 12/21/99 (filed 9/8/97) in view of Kullick et al., US Patent 5,764,992, 6/9/98.

In reference to claims 8, 19, and 30, Smith does not teach renaming a previous copy to an archived name and storing a new version with the working name; however, Kullick does. Kullick teaches renaming a current version once it is replaced with a new version. The new version is then given the modified name. See columns 4-5. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine both Smith and Kullick since both are concerned with version management of a document or file being downloaded from a source and renaming the previous version with an archived name prevents interruptions at the current location as well as aiding the system in archiving capabilities. See abstract of Kullick in which he teaches non-interruption of current activities.

In reference to claims 10, 21, and 32, Smith teaches correcting file location for the most updated version; however, Smith does not explicitly state storing the

identifier in a specially coded file registry. Kullick teaches storing the identifier and source descriptor and each new version of a document in a registry. See columns 4-5. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine both Smith and Kullick since both are concerned with version management of a document or file being downloaded from a source. See abstract of both Kullick and Smith in which both disclose that they are involved in providing updated versions of information.

### ***Response to Arguments***

6. In response to amended claims 1 and 23, Applicant argues that Smith does not teach “replacing at the client . . . said downloaded file with said newer version”.

Applicant further argues that Smith provides a network level data collection system not a client level. With respect to the claim limitations, Examiner maintains that Smith does “replace at said client. . . the downloaded file with a newer version”. See column 3, lines 34-44. Furthermore Smith teaches a system in which “a client site computer system receives and processes the formatted real-time financial data, data source status code, and the updated data source status code, and selects in real time a stale or real-time identifier for the formatted real-time financial data based upon the data source identifier of the formatted real-time financial data, the data source status code and the updated data source status code.” See column 3. Smith explicitly states that the client system checks for a source identifier present in the downloaded file (as claimed). Applicant’s claims are directed at a system that “evaluates” the downloaded file to determine if a source identifier is present in the downloaded file. Examiner maintains

position that Smith discloses the features claimed in Applicant's invention as stated in rejections and comments above.

In response to amended claims 1, 5, 7-10, 13, 16, 18-24, 27, and 29-32, see rejections and comments above.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 20010007147 A1 Goldschmidt




9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 703.305.1952. The examiner can normally be reached on M-F (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 703.305.9792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

RS  
September 25, 2003

  
HEATHER R. HERNDON  
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